vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.1781 OF 1983

Abu Dhabi Commercial Bank Ltd. ... Plaintiff
V/s.
M/s.T.R. Rayon Industries & Anr. ... Defendants

Mr.P.Jaiswal i/b Kanga & Co. for Plaintiff
Mr.T.R. Desai, Defendant No.2 present in person

CORAM: **SMT.NISHITA MHATRE, J.**
DATED: **MARCH 21, 2006**

P.C.:

. The learned Counsel appearing for the Plaintiff states that he is not able to get any instructions from his client nor are the documents available to be filed in accordance with the order passed on 27.7.2004. He, however, submits that the decree be passed in view of the admission made by the defendant in the letter annexed as Exhibit G. According to him, the sole proprietor of the defendant No.1 has acknowledged the debt of Rs.1,30,545.64. He therefore, submits that the decree be passed in accordance with Order 7 Rule 2, Code of Civil Procedure.

2. In my view, this procedure cannot be adopted in view of the fact that the defendant No.2, who is present in Court, has stated that the amounts had already been paid over to the plaintiffs. Furthermore, it would be inappropriate, in my view, to pass such a decree at this stage only because the plaintiff is not able to trace its documents.

3. Hence, the Suit is dismissed for want of prosecution.